

## **CHANGES ON OCTOBER 1, 2003**

This portion of the memo is in two parts: (1) changes affecting all agencies / employers / individuals that require fingerprint clearance cards and (2) changes affecting only you or your profession.

### **CHANGES AFFECTING ALL AGENCIES**

#### **1. ELIMINATION OF THE TWO-TIERED FINGERPRINT CLEARANCE CARD SYSTEM**

Beginning October 1, 2003, there will only be a single fingerprint clearance card rather than Class 1 and Class 2 cards. A first-time applicant for a fingerprint clearance card must meet the criminal history qualifications for a Class 1 card, unless he or she receives a good cause exception from the Board.

Employees who currently hold valid Class 2 cards will not need to reapply in October. Those cards will remain valid until the normal expiration date. When the card expires, the cardholder must apply for a new fingerprint clearance card. At that time, Class 2 cardholders may need to request a good cause exception from the Board, even though the cardholder previously may have been granted a good cause exception for a Class 2 card.

#### **2. ELIMINATION OF DRIVING UNDER THE INFLUENCE AS A PRECLUDING OFFENSE**

Individuals whose only precluding offenses are driving under the influence ("DUI"), extreme DUI, or aggravated DUI no longer will have a fingerprint clearance card denied or suspended. However, there will be a driving restriction for DUI offenses committed within five years before the application for a card. The restriction prevents an employee from "driving any vehicle to transport employees or clients of the employing agency as part of the person's employment." The Board will have no authority to hear appeals about a driving restriction placed on a card.

#### **3. FINGERPRINT CLEARANCE CARDS WILL BE VALID FOR SIX YEARS**

Fingerprint clearance cards issued prior to October 1, 2003 are valid for three years. Beginning October 1, the cards will be valid for six years.

#### **4. PERSONS SUBJECT TO REGISTRATION AS SEX OFFENDERS AND CONSPIRACY TO COMMIT PRECLUDED OFFENSES**

DPS will deny a fingerprint clearance card for an applicant who is subject to registration as a sex offender. The applicant will not be able to appeal to the Board for a good cause exception. Also, a person who is awaiting trial on or is convicted of conspiring to commit a precluded offense will have his or her fingerprint clearance card denied or suspended.

#### **5. THE DEPARTMENT OF PUBLIC SAFETY ("DPS") WILL HAVE 30 DAYS (RATHER THAN 15) TO RESEARCH THE DISPOSITION OF AN OFFENSE**

Sometimes, the criminal history records of an applicant for a fingerprint clearance card include offenses that have no disposition listed. In those cases, DPS researches the disposition; if it cannot find the disposition, it denies the card. Beginning October 1, DPS will have 30 business days (rather than 15) to research the disposition. Any documentation that can be provided by an applicant can expedite this process.

## CHANGES AFFECTING CERTIFIED EDUCATORS:

### EDUCATORS

- **Maintaining a fingerprint clearance card while certified: A.R.S. § 15–534(B).** Beginning October 1 2003, individuals that have had to either possess or apply for a fingerprint clearance card as a condition of receiving their certification must maintain a valid card during the valid period of their certificates.
- **Providing proof of being qualified to appeal to the Board of Fingerprinting when DPS denies a card: A.R.S. § 15–534(A)(2).** A certificate holder who applies for renewal or for any other certification service must either (1) have a valid fingerprint clearance card or (2) prove that he or she submitted an application for a fingerprint clearance card.

Applicants who possess a certificate and have been denied a fingerprint clearance card by DPS must provide proof that he or she is eligible to appeal the denial to the Arizona Board of Fingerprinting.

- **Verification of certification and fingerprint status: A.R.S. § 15–534(F).** Before employing someone in a position that requires certification, schools or school districts must verify the certification and fingerprint status of the potential employee. This can be done by either calling DPS at (602)223-2279 or by accessing the “certification search” website which is available through the Department of Education’s common logon at:

<https://www.ade.az.gov/commonlogon/Login.asp?Mode=Logon> . If you cannot access this website please contact the Investigative Unit at (602)542-2972.

- **Limitations on how conditional (emergency) certifications may be used: A.R.S. § 15–534(E).** The Department of Education may issue conditional certification to applicants before they have a fingerprint clearance card. This bill reinforces existing State Board of Education rules that limit where conditional certification can be used. Specifically, a conditional certificate can be used only for employment in the school district(s) that submitted the application. This legislative change further provides that the Board may revoke a conditional certificate if it is used for employment in a district not indicated on the original application.

**CONTACT INFORMATION:**

Arizona Board of Fingerprinting.....(602)223-2800

Arizona State Board for Charter Schools.....(602)364-3080

Child Nutrition.....(602)542-8810

Department of Public Safety.....(602)223-2279

Surrogate Parenting (ADE).....(602)364-0866

Teacher Certification / Investigative Unit.....(602)542-2972